UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSOCIATED PRESS, Plaintiff, - against - UNITED STATES DEPARTMENT OF DEFENSE, Defendant.	ECF Case No. 05 Civ. 5468 (JSR) DECLARATION OF ADAM J. RAPPAPORT

I, ADAM J. RAPPAPORT, pursuant to 28 U.S.C. § 1746, do hereby declare:

1. I am an attorney associated with the firm of Levine Sullivan Koch & Schulz, L.L.P., attorneys for plaintiff Associated Press ("AP"). I submit this declaration in support of AP's opposition to defendant's motion for summary judgment and AP's cross-motion for summary judgment in its favor.

2. At issue in the lawsuit are requests submitted by AP to the Department of Defense ("DOD") seeking information pursuant to the Freedom of Information Act ("FOIA"). AP's requests were dated November 16, 2004 and January 18, 2005. (True and correct copies of these requests are submitted herewith as Exhibits A and B, respectively.)

3. After this litigation was initiated in June 2005, DOD produced documents in response to these AP requests, but the documents were heavily redacted.

4. AP does not now seek to compel the release of information withheld by DOD on grounds of national security under Exemption 1, because information is classified and therefore within Exemption 3, or the identities of DOD personnel withheld on privacy grounds pursuant to Exemption 6.

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5. I am submitting this declaration to place before the Court a number of documents prepared by defendant that are relevant to the cross motion for summary judgment and discussed in AP's memorandum of law submitted herewith.

6. Attached as Exhibit C is a true and correct copy of DOD News Release No. 123-06, entitled "Detainee Release Announced." It is available on DOD's website at http://www.defenselink.mil/releases/2006/nr20060209-12461.html.

7. Attached hereto as Exhibit D is a true and correct copy of an American Forces Information Service News Article entitled "Automated System Helps Guantanamo Guards Track Detainees." It is available on DOD's website at http://www.defenselink.mil/news/Feb2005/n02172005_2005021708.html.

8. Attached hereto as Exhibit E is a true and correct copy of a Detainee Information Management System Detainee Report concerning detainee-against-detainee abuse that was produced by DOD in response to AP's FOIA request.

9. Attached as Exhibit F is a true and correct copy of an Action Memo deciding to transfer a detainee from the Naval Base at Guantanamo Bay, Cuba that was produced by DOD in response to AP's FOIA request.

10. Attached hereto as Exhibit G is a true and correct copy of DOD News Release No. 124-06, entitled "Guantanamo Bay Detainee Administrative Review Board Decisions Completed." It is available on DOD's website at http://www.defenselink.mil/releases/2006/nr20060209-12464.html.

11. Attached hereto as Exhibit H is a true and correct copy of an "Administrative Review Board Summary," available on DOD's website at http://www.dod.mil/news/Jan2006/d20060130arb.pdf.

12. Attached hereto as Exhibit I is a true and correct copy of Department of Defense ("DOD") News Release No. 400-05, entitled "Detainee Release Announced." It is available on DOD's website at http://www.defenselink.mil/releases/2005/nr20050426-2821.html.

13. Attached hereto as Exhibit J is a true and correct copy of a disciplinary action concerning detainee abuse that was produced by DOD in response to AP's FOIA request.

14. Attached hereto as Exhibit K is a true and correct copy of a disciplinary action concerning detainee abuse that was produced by DOD in response to AP's FOIA request.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed: Washington, D.C.
March 3, 2006

Adam J. Rappaport